



REPORT OF:	HEAD OF COMMUNITY SAFETY & ENVIRONMENTAL HEALTH
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TO:	LICENSING COMMITTEE
DATE:	16 SEPTEMBER 2010

AGENDA ITEM NO:	5	WARD(S) AFFECTED:	ALL
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SUBJECT:	LICENSING ACT 2003 : FILM CLASSIFICATION
RECOMMENDATIONS:	
<ol style="list-style-type: none"> 1. To approve the procedure as set out in Annex 2 for dealing with film classification matters which are the responsibility of this Council, as licensing authority. 2. To delegate the licensing authority's responsibility for film classification to the Licensing Sub-Committee. 	
SUMMARY	
<ol style="list-style-type: none"> 1. The Licensing Act 2003 places a mandatory condition on premises authorised to show films that restricts the admission of children to the exhibition of any film unless it has been classified either by; <ol style="list-style-type: none"> (a) a film classification body or (b) to such other classification as recommended by the licensing authority. 2. This condition may require the licensing authority to classify previously unclassified films, consider appeals by distributors against the British Board of Film Classification's decisions, or determine requests to reclassify films. As the Council's responsibilities in relation to film classification are now incorporated in the Licensing Act 2003 it is necessary for the Licensing Committee to adopt a procedure to deal with these matters. 3. A draft procedure is attached to this report at Annex 2 for Members' consideration. 	

STATUTORY POWERS

1. Section 20 of the Licensing Act (the Act) places a mandatory condition on all premises licences or club premises certificates authorising the public exhibition of films. This section restricts the admission of children (defined in the Act as "persons aged under 18") to the exhibition of any film unless it has

been classified either by a film classification body or, if the licensing authority does not agree with that recommendation, to such other classification recommended by the licensing authority.

2. The Act also exempts certain types of film from the above condition such as those exhibited for the purposes of advertisement, information, education etc. Films exhibited in a museum or art gallery that consist of or form part of an exhibit are also exempt.

THE ROLE OF THE BRITISH BOARD OF FILM CLASSIFICATION (BBFC) *(copied from the BBFC website)*

3. *The BBFC is an independent, non-governmental body which has classified cinema films since it was set up in 1912 and videos/ DVDs since the Video Recordings Act was passed in 1984. The BBFC is a not for profit organisation, and its fees are adjusted only as required to cover its costs.*
4. *Statutory powers on film remain with the local councils, which may overrule any of the BBFC's decisions, passing films we reject, banning films we have passed, and even waiving cuts, instituting new ones, or altering categories for films exhibited under their own licensing jurisdiction.*
5. *All classification decisions are based on the BBFC's published and regularly updated Guidelines. The Guidelines are the product of extensive public consultation, research and the accumulated experience of the BBFC over many years. They reflect current views on film, DVD and video game regulation.*
6. *In the most recent consultation over 8700 members of the public were asked for their views on classification – including consideration of issues such as language, discrimination, violence, sex and drugs in films, DVDs and video games, parental concerns about younger viewers and recent BBFC decisions. The Guidelines also take into account the various UK laws which the BBFC must consider and apply when making classification decisions.*
7. *The Guidelines are updated every four years and the current version was published in June 2009. A copy of the Guidelines are attached as Annex 1 to this report.*

ISSUES

8. Whilst the Councils Statement of Licensing Policy acknowledges the BBFC's role as the national film classification body the Council, as licensing authority, is the classification body for the public exhibition of films shown in the Borough by virtue of the Act, and as such has the overriding right to classify films that are shown in licensed premises such as cinemas, hotels, clubs and public houses.
9. There are several possible scenarios where the Council may be requested to exercise their responsibilities, for example;

- (i) A request to classify a film that has not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the Borough.
- (i) A distributor of a film or other party may appeal to the Council against a decision of the BBFC and request that the film is reclassified for local screening. This right is rarely used by distributors because any decision taken by the Council only affects the showing of that particular film in the Borough. A distributor who disagrees with the BBFC's classification may, in any case, appeal against it directly to the BBFC so is more likely to use that process, as the outcome of the appeal will affect the showing of the film across the country.

10. Under the Act, the Council must carry out its functions with a view to promoting the licensing objectives. The objectives are;

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

In terms of film exhibitions, clearly the most relevant licensing objective is the protection of children from harm. There may, however, be instances where there could be a case for relying on the prevention of crime and disorder objective, although evidence would have to be produced that a particular film would lead to crime and disorder.

11. In the Secretary of State's Guidance issued under Section 182 of the Act it is recommended that *"Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role."*

12. The Licensing Committee must therefore ensure that it has in place procedures to deal with any requests such as those mentioned in paragraph 9 above. Accordingly, the procedures as set out in Annex 2 are recommended for adoption.

LEGAL IMPLICATIONS

13. There are no legal implications arising from this report.

FINANCIAL IMPLICATIONS

14. This process does not attract a statutory fee and therefore the cost of carrying out any form of film classification will need to be met from within the existing licensing budget.

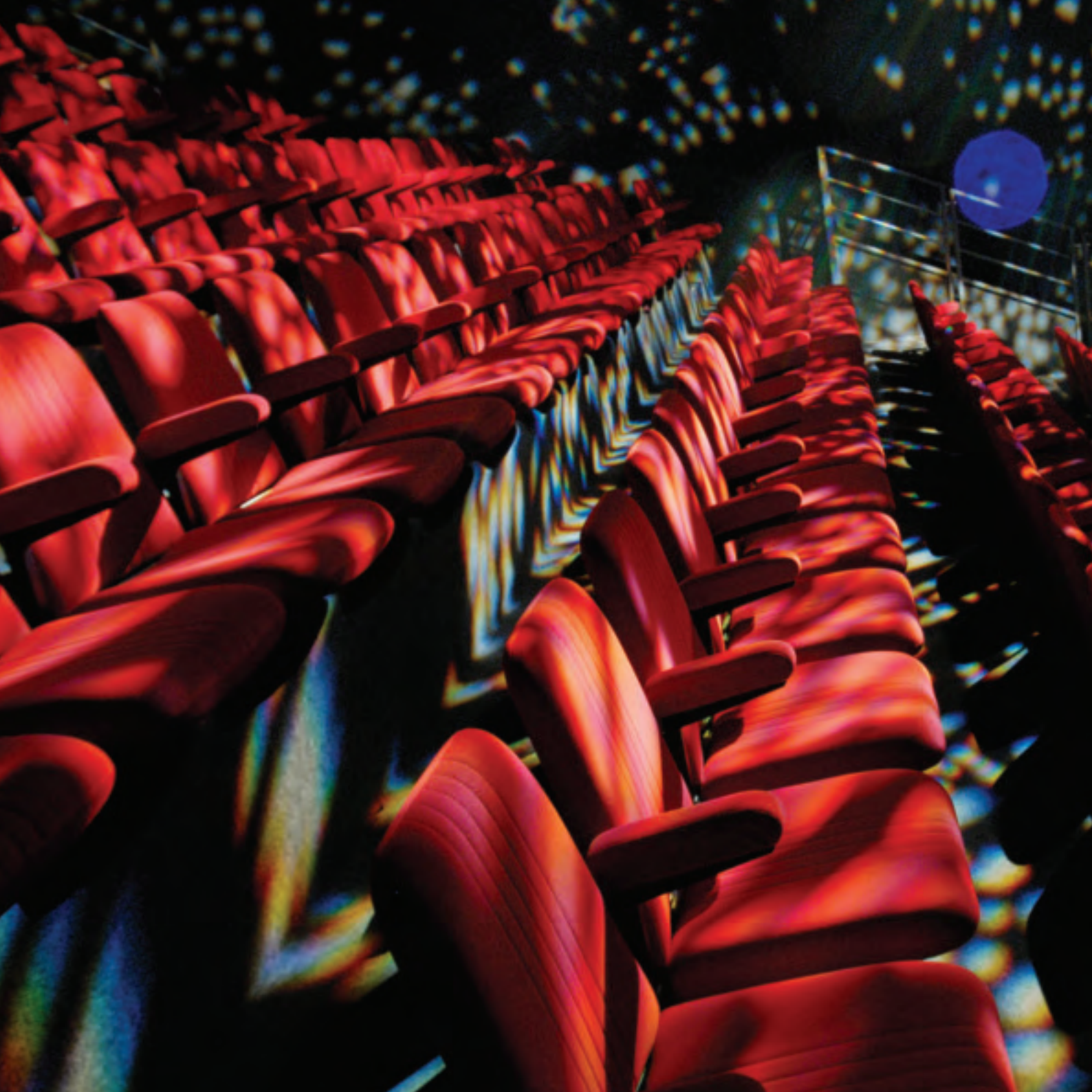
Background Papers: None

Annex 1: British Board of Film Classification: The Guidelines. June 2009.

Annex 2: Procedure for the Classification of Films.

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The Guidelines





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Introduction

1. The British Board of Film Classification (BBFC) is an independent, non-governmental body funded through the fees it charges to those who submit films and video works for classification. Here, and throughout the Guidelines, video works are taken to include video games, and films and programmes released on DVD or Blu-ray, or distributed by means of download or streaming on the internet.

2. The BBFC classifies films on behalf of the local authorities who license cinemas under the Licensing Act 2003.

3. The BBFC classifies video works which are released as video recordings under the Video Recordings Act 1984. (The video games covered by the VRA are those whose exemption is forfeited under section 2(2) because they depict human sexual activity, gross violence or other matters of concern.)

4. The BBFC classifies video works which are distributed other than as a video recording (for example, by means of download or streaming over the internet) under a voluntary scheme called BBFC.online.

5. The BBFC will not classify material which it believes to be in breach of the criminal law.

6. Where possible the BBFC will carry out its responsibilities through appropriate use of the classification categories, particularly in order to protect children from any harm which may be caused. If necessary, however, the BBFC may cut or even reject a film or video work. The BBFC's approach to material which is unacceptable at any category is set out in the 'Intervention' section of these Guidelines on page 32.

7. In line with domestic administrative law principles and the requirements of the Human Rights Act 1998, there is a particular need to make the classification criteria clear. This is fulfilled by the publication of these Guidelines and their availability on the BBFC website (www.bbfc.co.uk) or directly from the BBFC. (Contact details can be found on the back cover.)

8. The BBFC Classification Guidelines reflect all these considerations and are the product of public consultation with children and adults, research and the accumulated experience of the BBFC over many years. The Guidelines, and the BBFC's practice in applying them, have particular regard to any changes in public taste, attitudes and concerns; changes in the law; or new evidence from research or expert sources; and will be reviewed periodically.

9. The Guidelines, however, are not a legal document and should be interpreted in the spirit of what is intended as well as in the letter. They cannot be a comprehensive account of everything that may at any time be of concern. Should issues arise which are not specifically covered here, they will be dealt with by the BBFC on their merits and in line with the standards expressed and implied in these Guidelines.

10. Responsibility for the Guidelines and for their interpretation rests with the BBFC and is subject to normal considerations of fairness and reasonableness.

11. The BBFC undertakes to provide guidance on the interpretation of these Guidelines on request.

12. Before allowing a child to view a work, parents are advised to consider carefully the classification, together with any accompanying Consumer Advice.

General Principles

The detail of the Guidelines is contained in the following pages. But it is right to set out here the general underlying grounds on which the BBFC exercises the broad discretion conferred on it. There are two guiding principles:

- that works should be allowed to reach the widest audience that is appropriate for their theme and treatment
- that adults should, as far as possible, be free to choose what they see, provided that it remains within the law and is not potentially harmful.

When applying these guiding principles, there are three main qualifications:

1. whether the material is in conflict with the law, or has been created through the commission of a criminal offence
2. whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any 'moral harm' that may be

caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer's sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility. Especially with regard to children, harm may also include retarding social and moral development, distorting a viewer's sense of right and wrong, and limiting their capacity for compassion

3. whether the availability of the material, at the age group concerned, is clearly unacceptable to broad public opinion. It is on this ground, for example, that the BBFC intervenes in respect of bad language.

In assessing legal issues, potential harm or acceptability to broad public opinion, the BBFC takes account of relevant research and expert opinion. However, such research and expert opinion is often lacking, imperfect, disputed, inconclusive or contradictory. In many cases the BBFC must therefore rely on its collective experience and expertise to make a judgement as to the suitability of a work for classification, or for classification at a particular category.

Legal Considerations

Human Rights Act 1998

Among the rights established under this Act are the right of respect for private and family life, and the right to freedom of expression. When classifying works, the BBFC will have regard to the impact of any decision on the rights of any relevant person. The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

The Licensing Act 2003

Cinemas require a licence from the local authority in which they operate. The licence must include a condition requiring the admission of children (under 18) to any film to be restricted in accordance with the recommendations of the BBFC or the licensing authority.

The objectives of the Licensing Act are:

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance**
- **the protection of children from harm.**

The Video Recordings Act 1984

Video works (including films, TV programmes and video games) which are supplied on a disc, tape or any other device capable of storing data electronically must be classified by the BBFC unless they fall within the definition of an exempted work.

When considering whether to award a classification certificate to a work, or whether to classify a work at a particular category, the BBFC is required by the Act to have special regard (among the other relevant factors) to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with:

- **criminal behaviour**
- **illegal drugs**
- **violent behaviour or incidents**
- **horrific behaviour or incidents**
- **human sexual activity.**

In considering these issues the BBFC has in mind the possible effect not only on children but also on other vulnerable people.

The Obscene Publications Act 1959 & 1964

It is illegal to publish a work which is obscene. A work is obscene if, taken as a whole, it has a tendency to deprave and corrupt (ie, make morally bad) a significant proportion of those likely to see it. However, no offence is committed if publication is justified as being for the public good on the grounds that it is in the interests of science, art, literature or learning or other objects of general concern.

Criminal Justice and Immigration Act 2008

It is illegal to be in possession of an extreme pornographic image. An extreme pornographic image is one which is pornographic and grossly offensive, disgusting or otherwise of an obscene character, which features an apparently real person, and which portrays, in an explicit and realistic way, an act which: threatens a person's life; results, or is likely to result, in serious injury to a person's anus, breasts or genitals; involves

sexual interference with a human corpse; or involves bestiality. Works classified by the BBFC under the Video Recordings Act are excluded from the scope of the offence.

The Protection of Children Act 1978

It is illegal to make, distribute, show or possess indecent photographs or pseudo-photographs of a child. It is also illegal to make, distribute, show or possess indecent images of children which have been derived from a photograph or pseudo-photograph (for example, by tracing). A child is defined as a person under the age of 18.

The Sexual Offences Act 2003

It is illegal to expose oneself with intent to cause alarm or distress – this offence augments the common law misdemeanour of indecent exposure. The Act also prohibits a person recording the private act of another, where the intention of the recording is for the sexual gratification of himself or a third party and where the recorded party has not consented to so being filmed.

The Public Order Act 1986

It is illegal to distribute, show or play to the public a recording of visual images or sounds which are

threatening, abusive or insulting if the intention is to stir up racial hatred or hatred on the grounds of sexual orientation, or if racial hatred or hatred on the grounds of sexual orientation is likely to be stirred up. It is also illegal to distribute, show or play to the public a recording of visual images or sounds which are threatening if the intention is to stir up religious hatred.

The Cinematograph Films (Animals) Act 1937

It is illegal to show any scene 'organised or directed' for the purposes of the film that involves actual cruelty to animals. This Act applies to the exhibition of films in public cinemas but the BBFC also applies the same test to video works. For the purposes of this legislation and The Animal Welfare Act 2006, only vertebrates which are domesticated or otherwise under the control of man are defined as 'animals'.

The Animal Welfare Act 2006

It is illegal to supply, publish or show or possess with intent to supply a video recording of an 'animal fight' that has taken place within Great Britain since 6 April 2007.

The Tobacco Advertising and Promotion Act 2002

It is illegal, in the course of a business, to publish a tobacco advertisement.

Other unlawful material

In carrying out its responsibilities, the BBFC will have regard to whether the material itself appears to be unlawful in the United Kingdom, or has arisen from the commission of an unlawful act.

Consumer Advice

The BBFC's Consumer Advice enables the public to make informed choices about the films, DVDs and interactive works available to them.

Consumer Advice is a brief description of the content which determined the classification of a film, DVD or video game. As well as noting particular issues such as violence, sex, language, drugs or any other matters likely to be of concern, it can also highlight themes, such as suicide, or contexts, such as comedy or fantasy, which can influence the strength of the material. At the junior categories Consumer Advice can also warn of behaviour which may be potentially harmful if copied, or highlight content, such as characters in dangerous situations, which might frighten or upset younger viewers.

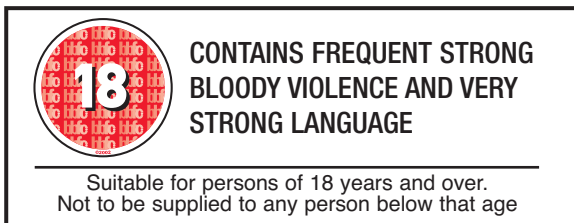
Consumer Advice indicates the strength of individual issues by using the terms 'mild', 'moderate', 'strong' and 'very strong', across the categories. For example, language at 'U' and 'PG' is likely to be 'mild' while at '15' and '18' language can be 'strong' and 'very strong'. Where relevant, the frequency with which the issue appears in the work is also indicated.

With the co-operation of the film and video industry, Consumer Advice is routinely displayed on both film advertising, including posters, on print media and television, and on packaging for video works.

On film posters, the Consumer Advice should be found in a box near the film's title, alongside the classification, for example:



On DVDs or video games classified by the BBFC, Consumer Advice should be found on the back of the packaging, alongside the classification symbol, for example:



Consumer Advice is also available on the BBFC websites, www.bbfc.co.uk and www.pbbfc.co.uk.

Extended Classification Information
For cinema films classified after July 2007, and video games classified after September 2007, the BBFC website also carries Extended Classification Information (ECI).

ECI provides, over several paragraphs, a more detailed explanation of the classification issues that defined the work's category. It also notes any additional content which did not determine the classification but may be of interest to the likely audience.

The Parents BBFC website also provides detailed content information tailored specifically for parents and guardians. It is designed for adults who want a more detailed understanding of the issues they are likely to find in a film, DVD or video game before they allow a child to see or play it. Parents BBFC can be found at www.pbbfc.co.uk.

Overarching Factors

There are certain overarching factors that may influence a classification decision at any level and in connection with any issue. These factors are of particular importance when a work lies on the borderline between two categories. The guidance set out under ‘The Categories’ should therefore be read in the light of the more general advice offered here and under ‘Main Issues’ and ‘General Principles’.

Context

The context in which an issue (such as sex, language or violence) is presented is central to the question of its acceptability.

When considering context, the following factors, amongst others, may be taken into account:

- **the expectations of the public in general and the work’s audience in particular**
- **the work’s genre. For example, a realistic or contemporary approach may intensify the effect. By contrast a historical or fantasy setting, or comic presentation, may soften the effect**
- **the manner in which an issue is presented. For example, language used aggressively may be dealt with more stringently than the same terms used in a comic way**
- **the apparent intention of the film maker, as reflected in its effect. For example, whether the work is intended to be educational**

- **the original production date of the work. For example, outdated attitudes which might be considered offensive in a contemporary work may be treated more leniently in a much older, and obviously dated, work**
- **any special merits of the work.**

Tone and impact

The overall tone of a work may also affect the classification decision. While the presentation of specific issues, such as sex and violence, may not be problematic at a particular category, if the work has a generally dark or unsettling tone that may disturb the audience at that category, then it may receive a more restrictive classification. At the junior categories, and on the borderline between categories, such considerations as the degree of fantasy; the level of connection to the real world; and the extent to which the work presents a despairing view of the world or lacks a clear moral perspective may be important factors. The impact of a work (ie, how it makes the audience feel) is also taken into account, for example in relation to horror films where threat may be more significant than violence.

Release format

Classification decisions may be stricter on video works than on film. This is on account of the increased possibility of under-age viewing or game playing recognised in the Video Recordings Act, and of works being replayed or viewed out of context. Accordingly, a video work may occasionally receive a higher classification than on film, or require new or different cuts.

Main Issues

This section of the Guidelines identifies some concerns which apply, to a greater or a lesser degree, at all classification levels. It sets out the general approach taken with regard to such concerns, given the general principles set out earlier.

The pages following this section provide specific guidance for ‘U’ through to ‘18’ under the heading ‘The Categories’. The guidance there should be read in the light of the more general advice offered here and under ‘Overarching Factors’ and ‘General Principles’.

Discrimination

Potentially offensive content, relating to such matters as race, gender, religion, disability or sexuality, may arise in a wide range of works, and the classification decision will take account of the strength or impact of its inclusion. The context in which such content may appear also has a bearing on the classification. Works with such content may receive a less restrictive category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work as a whole seeks to challenge such attitudes, or is obviously dated.

Drugs

No work taken as a whole may promote the misuse of drugs and any detailed portrayal of drug misuse likely to promote or glamorise the activity may be cut. Works which show drug misuse while emphasising the dangers may receive less restrictive classifications than works that present drug misuse in a neutral manner.

Where smoking, alcohol abuse or substance misuse feature to a significant extent in works which appeal to children, this will normally be indicated in the Consumer Advice and/or Extended Classification Information.

Classification decisions will also take into account any promotion or glamorisation of such activities.

Horror

The use of frightening elements which might scare or unsettle an audience is part of a long tradition of story telling and film making. Many children enjoy the excitement of scary sequences, but, where films are targeted at a younger audience, classification decisions will take into account such factors as the frequency, length and detail of scary scenes as well as horror effects, including music and sound, and whether there is a swift and reassuring outcome.

Older audiences often pay to see horror films because they like being frightened or shocked and such works are classified at an appropriate category to ensure that the young and vulnerable are protected from too intense an experience.

Imitable behaviour

Classification decisions will take into account any detailed portrayal of criminal and violent techniques, and any glamorisation of easily accessible weapons, such as knives. Works which portray anti-social behaviour (for example, bullying) uncritically are likely to receive a more restrictive classification. Works which, taken as

a whole, actively promote illegal behaviour will be cut or rejected.

Portrayals of potentially dangerous behaviour (especially relating to hanging, suicide and self-harm) which children and young people are likely to copy, will be cut if a more restrictive classification is not appropriate.

Language

Many people are offended, some of them deeply, by bad language. This may include the use of expletives with a sexual, religious or racial association, offensive language about minority groups and commonly understood rude gestures. The extent of that offence may vary according to age, gender, race, background, beliefs and expectations brought by viewers to the work, as well as the context in which the word, expression or gesture is used.

For these reasons, it is impossible to set out comprehensive lists of words, expressions or gestures which are acceptable at each category. The advice at different classification levels, therefore, provides general guidance taking account of the views expressed in public consultation exercises.

Nudity

Natural nudity with no sexual context is acceptable at all classification levels, but will not occur more than occasionally in the lowest category.

Nudity with a sexual context will receive a more restrictive classification and strong detail in such a context will only be passed in the adult categories.

Sex

The portrayal of sexual activity can range from kissing and verbal references to ‘making love’, to detail of real sex. This is reflected in the classification system, in which progressively stronger portrayals are allowed as the categories rise.

Sex works (works whose primary purpose is sexual arousal or stimulation) are likely to be passed only in the adult categories. Sex works containing only material which may be simulated are generally passed ‘18’. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the ‘R18’ category. ‘R18’ video works may be supplied only in licensed sex shops which no one under 18 may enter.

‘R18’ films may be shown only in specially licensed cinemas.

These Guidelines will be applied to the same standard regardless of sexual orientation.

Theme

Classification decisions will take into account the theme of a work, but will depend significantly on the treatment of that theme, and especially the sensitivity of its presentation. However, the most problematic themes (for example, drug abuse, sexual violence, paedophilia, incitement to racial hatred or violence) are unlikely to be appropriate at the most junior levels of classification. Correspondingly, there is no reason in principle why most themes, however difficult, could not be presented in a manner which allowed classification at ‘18’ or even ‘15’.

Violence

Violence has always been a feature of entertainment for children and adults. Classification decisions will take account of the degree and nature of any violence in a work.

Works which feature the following are likely to receive more restrictive classifications: portrayal of violence as a normal solution to problems, heroes who inflict pain and injury, callousness towards victims, the encouragement of aggressive attitudes, and content which depicts characters taking pleasure in pain or humiliation.

Sexualised violence or works which glorify or glamorise violence will receive a more restrictive classification and may even be cut.

A strict policy on sexual violence and rape is applied. Content which might eroticise or endorse sexual violence may require cuts at any classification level. This is more likely with video works than film because of the potential for replaying scenes out of context. Any association of sex with non-consensual restraint, pain or humiliation may be cut.

Titles

If the title of a work incites hatred on grounds of race, religion or sexual orientation, or incites other criminal behaviour; or encourages an interest in abusive or illegal sexual activity, changes will be required as a condition of classification.

If the title of a work is likely to cause significant offence to a significant number of people if displayed in a public place, the distributor will be advised to consider carefully the places in which it is likely to be seen and to take appropriate action, for example by obscuring certain words on packaging or marketing materials. (This advice is not given in relation to works classified 'R18' as such works can only be supplied or offered for supply in a licensed sex shop.) In extreme cases, assurances on public display of the full title, or changes to the title, may be required as a condition of classification.

Photo or pattern sensitivity, motion sickness and reactions to low frequency sound

A small number of viewers are sensitive to flashing and flickering light, or some shapes and patterns, and may experience seizures or other serious physical effects. In addition, some viewers experience feelings of motion sickness or other symptoms when viewing works which feature hand held or otherwise moving camerawork, or which feature very low frequency sounds.

It is the responsibility of film makers and distributors to identify works in

which such issues may arise and to ensure that, when required, appropriate warnings are given to viewers.

Such effects are therefore not normally taken into account when reaching a classification decision. However, if it is obvious during viewing that the work is highly likely to affect a significant number of viewers, the BBFC may advise the distributor of the need to ensure that appropriate warnings are in place. In extreme cases, assurances regarding the display of appropriate warnings may be required as a condition of classification.

Trailers/advertisements

Audiences actively choose to see a full length feature based on expectations of the particular genre at the given classification and on the Consumer Advice and Extended Classification Information provided by the BBFC. In contrast, audiences have no choice about the accompanying trailers or advertisements which may be very different in tone and content to the film the audience has chosen to view. In addition, because trailers and advertisements are short and self-contained, borderline material is less likely to be justified by context and more likely to cause offence.

For these reasons, classification decisions for trailers and advertisements may be more restrictive than for equivalent material in a main feature, for example:

- **strong language is not permitted in trailers or advertisements at any category below '15'**
- **only one use of strong language is permitted in a trailer or advertisement at '15' and must be neither threatening nor aggressive.**

Advertisements for alcohol of any type can be passed at any category. However, these may receive a more restrictive classification if there are overt attempts to associate alcohol with sexual prowess and/or a glamorous or successful lifestyle.

Advertisements for tobacco are prohibited by law.

The BBFC is not responsible for the exhibition of cinema trailers and advertisements, including alcohol advertising, and has no involvement in deciding which films they appear before. This process is the responsibility of the cinema.

Public information advertisements/charity advertisements

Where an advertisement is part of a public information campaign or has a charitable purpose, the more restrictive approach set out above will not normally apply. However, potentially shocking or offensive content in such advertisements must not go beyond what is likely to be acceptable to the particular audience.

Video games

Video games are classified under the same Guidelines and using the same categories as 'linear' works such as film or DVD.

The BBFC acknowledges the difference between watching a film or DVD and the more interactive experience of playing a game but recognises that, to date, limited research has been done into whether 'interactivity' has any significant effect on the potential for harm.

In addition, the interactivity inherent in video games may, in certain contexts, lead to a greater potential for some content to be considered unsuitable for certain age groups. The ability of a game to make a young player complicit in behaviour involving, for example, sex, drugs or

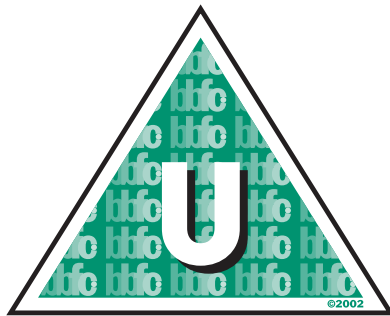
realistic violence, may be as important as the level of detail shown, especially where such behaviour forms a major component of the game, and where the level of interactivity is high.

In a video game, the frequency with which an issue occurs is also often difficult to quantify, as it will depend on how the player chooses to play the game, and how many times a particular level is attempted before completion. Where frequency is a category defining issue (for example, with respect to strong language), the BBFC bases its judgement on an assessment of the frequency with which a player is likely to encounter the issue during normal gameplay.

Given the lack of research, especially in relation to harm, and given the rapid developments in the sophistication of video games, the BBFC may take a more cautious approach when a video game lies on the borderline between two categories, or contains material which raises issues of acceptability at the adult categories.

The Categories

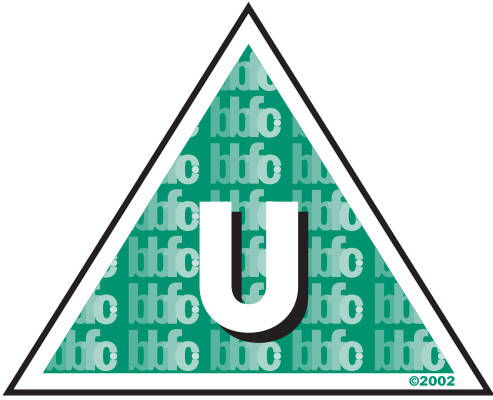
The BBFC endeavours to classify submitted works in one of the following categories:



The following pages set out guidance on how the main issues (for example, sex and violence) are specifically applied from 'U' through to 'R18'. The criteria should be read in the light of the general approach set out earlier under 'General Principles', 'Overarching Factors' and 'Main Issues'.

Because works from time to time present issues in ways which cannot be anticipated, these criteria will not be applied in an over-literal way if such an interpretation would lead to an outcome which would confound audience expectations.





U Universal – Suitable for all

It is impossible to predict what might upset any particular child. But a ‘U’ film should be suitable for audiences aged four years and over. ‘U’ films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

If a work is particularly suitable for a pre-school child to view alone, this will be indicated in the Consumer Advice.

Discrimination

No discriminatory language or behaviour unless clearly disapproved of.

Drugs

No references to illegal drugs or drug misuse unless they are infrequent and innocuous, or there is a clear educational purpose or anti-drug message suitable for young children.

Horror

Scary sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

Imitable behaviour

No potentially dangerous behaviour which young children are likely to copy. No emphasis on realistic or easily accessible weapons.

Language

Infrequent use only of very mild bad language.

Nudity

Occasional natural nudity, with no sexual context.

Sex

Mild sexual behaviour (for example, kissing) and references only (for example, to ‘making love’).

Theme

While problematic themes may be present, their treatment must be sensitive and appropriate for young children.

Violence

Mild violence only. Occasional mild threat or menace only.



**PG Parental Guidance –
General viewing, but some
scenes may be unsuitable
for young children**

**Unaccompanied children of
any age may watch. A ‘PG’
film should not disturb a child
aged around eight or older.
However, parents are advised
to consider whether the content
may upset younger or more
sensitive children.**

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of or in an educational or historical context. Discrimination by a character with which children can readily identify is unlikely to be acceptable.

Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

Horror

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy. No glamorisation of realistic or easily accessible weapons.

Language

Mild bad language only.

Nudity

Natural nudity, with no sexual context.

Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Theme

Where more serious issues are featured (for example, domestic violence) nothing in their treatment should condone unacceptable behaviour.

Violence

Moderate violence, without detail, may be allowed, if justified by its context (for example, history, comedy or fantasy).



12A/12 – Suitable for 12 years and over

Exactly the same criteria are used to classify works at ‘12A’ and ‘12’. These categories are awarded where the material is suitable, in general, only for those aged 12 and over. Works classified at these categories may upset children under 12 or contain material which many parents will find unsuitable for them.

The ‘12A’ category exists only for cinema films. No one younger than 12 may see a ‘12A’ film in a cinema unless accompanied by an adult, and films classified ‘12A’ are not recommended for a child below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances, responsibility for allowing a child under 12 to view lies with the accompanying adult.

The ‘12’ category exists only for video works. No one younger than 12 may rent or buy a ‘12’ rated video work.

Discrimination

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

Drugs

Any misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

Horror

Moderate physical and psychological threat may be permitted, provided disturbing sequences are not frequent or sustained.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied, or appear pain or harm free. Easily accessible weapons should not be glamorised.

Language

Moderate language is allowed. The use of strong language (for example, ‘fuck’) must be infrequent.

Nudity

Nudity is allowed, but in a sexual context must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Sex references should not go beyond what is suitable for young teenagers. Frequent crude references are unlikely to be acceptable.

Theme

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

Violence

Moderate violence is allowed but should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context.

Sexual violence may only be implied or briefly and discreetly indicated, and must have a strong contextual justification.



15 – Suitable only for 15 years and over

**No one younger than 15 may
see a '15' film in a cinema.
No one younger than 15 may
rent or buy a '15' rated
video work.**

Discrimination

The work as a whole must not endorse discriminatory language or behaviour.

Drugs

Drug taking may be shown but the film as a whole must not promote or encourage drug misuse. The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

Horror

Strong threat and menace are permitted unless sadistic or sexualised.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied. Easily accessible weapons should not be glamorised.

Language

There may be frequent use of strong language (for example, 'fuck'). The strongest terms (for example, 'cunt') may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable.

Nudity

Nudity may be allowed in a sexual context but without strong detail. There are no constraints on nudity in a non-sexual or educational context.

Sex

Sexual activity may be portrayed without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

Theme

No theme is prohibited, provided the treatment is appropriate for 15 year olds.

Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic or sexualised violence is also unlikely to be acceptable.

There may be detailed verbal references to sexual violence but any portrayal of sexual violence must be discreet and have a strong contextual justification.



Suitable only for adults

No-one younger than 18 may see an '18' film in a cinema. No-one younger than 18 may rent or buy an '18' rated video.

In line with the consistent findings of the BBFC's public consultations and The Human Rights Act 1998, at '18' the BBFC's guideline concerns will not normally override the principle that adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to the BBFC to risk harm to individuals or, through their behaviour, to society – for example, any detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sexual or sexualised violence which might, for example, eroticise or endorse sexual assault
- where there are more explicit images of sexual activity which cannot be justified by context. Such images may be appropriate in 'R18' works, and in 'sex works' (see below) would normally be confined to that category.

In the case of video works (including video games), which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

Sex education at '18'

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safer sex and health, explicit images of sexual activity may be permitted.

Sex works at '18'

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex works containing only material which may be simulated are generally passed '18'. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the 'R18' category. Material which is unacceptable in a sex work at 'R18' is also unacceptable in a sex work at '18'.



R18 - To be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults of not less than 18 years

The ‘R18’ category is a special and legally restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. ‘R18’ video works may not be supplied by mail order.

The following content is not acceptable:

- any material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959
- material (including dialogue) likely to encourage an interest in sexually abusive activity (for example, paedophilia, incest or rape) which may include adults role-playing as non-adults
- the portrayal of any sexual activity which involves lack of consent (whether real or simulated). Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which may cause lasting physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for moderate, non-abusive, consensual activity
- penetration by any object associated with violence or likely to cause physical harm
- any sexual threats, humiliation or abuse which does not form part of a clearly consenting role-playing game. Strong physical or verbal abuse, even if consensual, is unlikely to be acceptable.

These Guidelines will be applied to the same standard regardless of sexual orientation.

Intervention

Where possible, the BBFC deals with any issues raised in a submitted work through classification at the appropriate category. In some cases, however, assurances, cuts or other changes (for example, the addition of warning captions) will be required as a condition of classification, or as a condition of classification at a particular category. In some circumstances a work may be rejected, ie refused a classification at any category. The General Principles under which such decisions are made are set out on page 4. Details of interventions are published on the main BBFC website.

Cuts for category

If the submitted work is suitable for classification, but only at a category higher than that requested by the submitting company, the BBFC will consider whether a lower category could be achieved through relatively minor or simple changes. If so, the BBFC may offer the submitting company a choice of accepting the higher category or making defined changes to achieve a lower category.

The decision to offer such ‘cuts for category’ is at the discretion of the BBFC and this option is unlikely to be available if the required changes would be extensive or complex, or if the effect of possible changes would be difficult to predict. In such circumstances, the submitting company may choose to make a new submission of a different version of the work at a later date.

Compulsory cuts

If a submitted work raises issues or concerns that cannot be addressed by classification at a particular category, cuts or other changes may be required as a condition of classification. Such intervention is most likely with regard to the following:

- **material which may promote illegal activity**
- **material which is obscene or otherwise illegal**
- **material created by means of the commission of a criminal offence**
- **portrayals of children in a sexualised or abusive context**
- **sexual violence or sexualised violence which endorses or eroticises the behaviour**
- **sadistic violence or torture which invites the viewer to identify with the perpetrator in a way which raises a risk of harm**
- **graphic images of real injury, violence or death presented in a salacious or sensationalist manner which risks harm by encouraging callous or sadistic attitudes**

- **sex works which contain material listed as unacceptable at 'R18'.**

When the issue relates to the circumstances of filming (for example, in relation to animal cruelty or public indecency) the submitting company will normally be given an opportunity to present evidence before a final decision is reached.

Rejects

If a central concept of the work is unacceptable (for example, a sex work with a rape theme); or if intervention in any of the ways noted above is not acceptable to the submitting company; or if the changes required would be extensive or complex; the work may be rejected, ie refused a classification at any category.

Advice viewings

A distributor may submit works for advice at any stage of the production process. Advice given in such circumstances is not binding and the BBFC reserves the right to reach a different decision when the work is submitted for classification in finished form. If the version of the work submitted for classification differs in any significant respect to that seen for advice, and if the changes appear to reflect advice given by the BBFC, then details of the changes will be noted on the main BBFC website.

Appeals

The BBFC offers a formal ‘reconsideration’ procedure which is open to any distributor dissatisfied with the determination made in respect of their work. The reconsideration is free of charge and will normally take less than 10 working days.

A distributor may also appeal directly to an independent authority. Such an appeal may take place following, or instead of, a request for reconsideration by the BBFC. In the case of films, the distributor (or any member of the public) may address itself to the local authority which licenses cinemas in a particular area. In the case of video works (including DVDs, video games, etc) a distributor may appeal to the Video Appeals Committee which is independent of the BBFC and can be contacted by post at: VAC, PO Box 6949, London, W1A 3TZ or by email at enquiries@vacappeal.co.uk

Distributors should note that a reconsideration or an appeal involves looking at the issues afresh. This means that the outcome could, in some circumstances, be more restrictive than the original determination.

The public can make its views known to the BBFC at any stage of the classification process.

Websites



The main BBFC website www.bbfc.co.uk is designed to keep the public and the industry informed about the work of the organisation. It includes up to the minute information about classification decisions; the policies and Guidelines used by the BBFC when classifying a work; how to submit a film, DVD or video game for classification; as well as general information about the BBFC.

There is a page for each work classified by the BBFC, giving details of the classification together with Consumer Advice (for most works classified since 1996) and Extended Classification Information (for most video games and cinema films classified since mid-2007). If a work has been cut, or subject to some other form of intervention as a condition of the classification awarded, this will be shown. Details of works refused classification ('Rejects') are also displayed.



The Parents BBFC website www.pbbfc.co.uk provides parents with clear, concise, specially tailored information about films, video games and classification, helping them make informed choices about what is suitable for their children. This information includes the relevant Consumer Advice, a brief summary of the film or video game, and several paragraphs of Extended Consumer Advice. For cinema films, the site also offers the opportunity to watch the trailer and find out where the film is showing.



Students' BBFC

www.sbbfc.co.uk is our educational website for teachers and students from GCSE to postgraduate levels. The site contains information and news about classification; timelines; case studies on controversial, famous and historical classification decisions; regularly updated articles; and study guides. There is also a special area for teachers.



Children's BBFC

www.cbbfc.co.uk is our fun website for younger children offering games, puzzles, information about films and video games, news, and a chance to classify trailers.





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PROCEDURE FOR THE CLASSIFICATION OF FILMS

1. The licensing authority can be requested to classify films that have not been classified by the British Board of Film Classification (BBFC). Such requests will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no matter to be exhibited contravenes the current interpretation of the Obscene Publications Acts 1959, and 1964 the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence. The licensing authority shall not be liable for any material that has been created through the commission of a criminal offence.
2. The licensing authority can also be requested to classify films that have already been classified by the BBFC under the following circumstances:
 - (a) Where at least three members of the Council give notice to the Head of Community Safety and Environmental Health of their wish to call-in a film for classification by the licensing authority; or
 - (b) Where a distributor of a film appeals a decision of the BBFC and requests that the licensing authority classifies the film.
3. Any request to classify a film under the circumstances referred to in paragraphs 1 or 2 above shall be referred to and determined by the Licensing Sub-Committee, on behalf of the licensing authority.
4. Any request to classify a film made under paragraph 2(a) above must be accompanied by reasons for calling-in the film. Such requests will be dealt with as expeditiously as possible bearing in mind that films are generally only shown in cinemas for relatively short periods.
5. In order to avoid the appearance of bias or predetermination, any Member who called-in the film for classification may not sit on the Licensing Sub-Committee for that purpose.
6. All requests submitted under the circumstances referred to in paragraphs 1 and 2(b) must:
 - (a) be accompanied by a synopsis of the film and a full copy of the film in DVD format; and
 - (b) give a minimum of 28 days notice of the proposed screening, and the licensing authority will seek to classify the film within that time period.
7. Where requests are submitted under the circumstances referred to in paragraph 2(a) it is not expected that a copy of the film will be provided by the Members. It is also accepted that it may not be possible to give 28 days notice before the proposed screening.

8. A report containing a synopsis of the film and other relevant information will be submitted to the Licensing Sub-Committee. The Sub-Committee will view the entire film, assess it against the latest BBFC Guidance, and issue the appropriate classification. When considering classification requests, the Sub-Committee must do so with a view to promoting the relevant licensing objective(s).

9. The distributor and/or the party requesting the classification together with the premises licence/club premises certificate holders of all premises licensed for the exhibition of films will be notified of the Sub-Committee's decision in writing, which will include reasons for the decision.